

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BARRY MARTEZ JENKINS,

Plaintiff,

v.

Case No. 08-C-574

JAMES DOYLE,

Defendant.

ORDER

On July 3, 2008, Barry Martez Jenkins filed this petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. Jenkins was convicted in Milwaukee County Circuit Court of delivery of a controlled substance (heroin), and was sentenced to five years of initial confinement and three years of extended supervision, plus a \$500 fine. He is currently incarcerated at Wisconsin Secure Program Facility.

I must give the case prompt initial consideration pursuant to Rule 4 of the Rules Governing § 2254 Cases, which reads:

If it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court, the judge shall make an order for its summary dismissal and cause the petitioner to be notified. Otherwise the judge shall order the respondent to file an answer.

Rule 4, Rules Governing § 2254 Cases. During my initial review of habeas petitions, I look to see whether the petitioner has set forth cognizable constitutional or federal law claims and exhausted available state remedies.

Jenkins has filed a fifteen page petition, in which he contends that his right to due process under the Fourteenth Amendment was violated when the circuit court denied his motion to withdraw his guilty plea prior to sentencing. However, he has failed to comply with Civil Local Rule 9.1, which requires that petitions for habeas relief "must be on forms supplied by the Court."

Consequently, Jenkins petition is dismissed with leave to amend. Jenkins may file an amended petition in this action within thirty days; if he does so, his petition must comply with the Local Rules.

SO ORDERED this 16th day of July, 2008.

s/ William C. Griesbach

William C. Griesbach
United States District Judge